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‘Blurred Lines’ Isn’t Even the Biggest Marvin Gaye Ripoff This Decade

Ever heard Ed Sheeran's "Thinking Out Loud"?

[Andrew Unterberger](#) | March 11, 2015 - 5:39 pm

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Update: Indeed, the heirs of late “Let’s Get It On” co-writer Ed Townsend are [filing a lawsuit](#) against Ed Sheeran, citing “Thinking Out Loud” as stealing the “heart” of the Marvin Gaye original.

The music industry [was rattled last night](#) by a [Los Angeles jury’s verdict](#) that Robin Thicke and Pharrell Williams’ obscenely popular 2013 single “Blurred Lines” copied enough of Marvin Gaye’s 1977 No. 1 hit “Got to Give It Up” that the pair owed \$7.3 million to the Gaye estate for the copyright infringement. It was a surreal, months-long trial that featured Thicke attempting to [deny any songwriting responsibility](#) for his signature hit and [performing a piano medley](#) of classic pop songs to illustrate points about musical theft — neither of which swayed the jury much, apparently — and in the verdict, it has been given an appropriately bizarre ending.

Robin Thicke - Blurred Line...



Thicke and Williams hardly represent the first artists to be taken to task (and to court) for improper usage of music that wasn't theirs. In a couple of famous cases among hundreds of lesser-remembered arguments, George Harrison [was sued](#) back in 1971 for stealing the melody to the Chiffons' "He's So Fine" for his own chart-topping "My Sweet Lord" (setting new precedents for songwriting and publishing accreditation in the process), and the Turtles [took legal action](#) against De La Soul in 1989 for the rap trio sampling their hit oldie "You Showed Me" on the classic *3 Feet High and Rising* album, one of several cases that [ended up changing the rules](#) for such direct musical reappropriation.

The reason the Gaye verdict is causing such waves is that unlike in the cases of the George Harrison or De La Soul, there was really no direct theft. "Blurred Lines" doesn't copy the hook of "Got to Give It Up" or lift any specific section of it for sample. There's no obvious quotes of the song, lyrically or melodically. What the songs have in common is much more ambiguous: Really, they just share *feel*. The cowbell-led rhythmic shuffle of "Blurred" is highly evocative of Gaye's disco-era classic, as is the festive, party-in-the-studio atmosphere, and Thicke's heavy use of falsetto throughout the verses. The track is undeniably inspired by Gaye, as much of Thicke's catalog has long been; a [pre-"Lines" AllMusic review](#) of the R&B singer's 2009 album, *Sex Therapy*, was even [cited in the court proceedings](#) for its allusions to Thicke's "Marvin Gaye fixation."



This could be a problematic precedent. Copying the feel of another song or another artist has been going on as long as there's been popular music. From [the Knickerbockers doing the Beatles](#) and [the Hollies doing Creedence](#), right up to [Lady Gaga doing Madonna](#) and [Bruno Mars doing the Police](#), Top 40 has been littered with stylistic homages that have teetered on the edge of being straight ripoffs, with little fear of legal reprisal. The alt-rock realm is hardly immune, either: If all musical artists were back-taxed for swag-jacking, Nirvana [would owe the Pixies](#), Pavement [would owe the Fall](#), and every artist who ever laid pop melodies over jagged waves of guitar distortion would owe the Jesus and Mary Chain (who would in turn have to fork over most of those proceeds [to the Ronettes](#)). It'd be a total free-for-all, one that threatens the intertextuality that connects so much of music history and turns new generations on to old sounds, and the other way around.

That's all troubling enough, though it's unlikely that this verdict will have such extreme implications for cases long since passed. But what really makes you wonder about the wide-reaching effect of this decision is when you consider that however much of a plagiarism "Blurred Lines" is of Gaye's, it's not nearly as egregious a steal as *another* contemporary pop smash: Ed Sheeran's "Thinking Out Loud."

Ed Sheeran - Thinking Out ...



"Thinking Out Loud" is a very nice ballad, one whose seductive groove, sentimental lyric, and full-hearted vocal has taken it all the way to No. 1 on *Billboard's* Pop Songs chart. It is also an incredibly obvious successor to Marvin Gaye's 1973 superlative slow jam "Let's Get It On" — the gently loping four-note bass pattern and crisp '70s soul drums absolutely smack of the Gaye classic, as do the embrace-insistent lyrics and general candlelit-bedroom *feel*. The similarity has been pointed out by [pages and pages' worth](#) of YouTube mashups and covers, and even by Sheeran himself, who has blended the two songs [in live performances](#). Personally speaking, I didn't even notice the similarity between "Blurred Lines" and "Got to Give It Up" until it was pointed out to me, but the second I first heard the bass drop in "Thinking," I was overcome with the urge to [buy Levi's](#).

Marvin Gaye - Lets get it on



So now what? Does Nona Gaye, who claimed after the “Lines” verdict was announced that she “[felt] free... Free from... Pharrell Williams and Robin Thicke’s chains and what they tried to keep on us and the lies that were told,” now set her sights on Sheeran? Was it just the obscene popularity of “Blurred Lines,” *Billboard*’s No. 1 single of all 2013, that drove the Gaye estate to take legal action, and if “Thinking” climbs the final rung to that level of ubiquity, will Sheeran have to pay out millions for his thievery? Going strictly by legal precedent, if Williams and Thicke’s theft was bald-faced enough to strip them of nearly half of the songs’ \$16 million in profits, it’s hard to imagine how much a similar suit would cost Sheeran. (And if the Gaye family’s recent comments are to be taken seriously, they might not even be done [with Pharrell’s catalog](#) yet.)

Thicke and Williams can appeal the verdict, and a healthy chunk of the music industry better hope they do so. If “Blurred Lines,” a song that taps out as an homage at worst (and not the first [or even the most-famous pop song](#) directly and admittedly inspired by “Got to Give It Up,” by the way) can be stripped of half its earnings for its degree of plagiarism, then countless artists across every musical genre need now be put on notice. And Ed Sheeran should save his millions, just in case.



[Andrew Unterberger](#)

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